The circumstances surrounding the death of a man after his release from HM Prison/ YOI Forest Bank on 11 May 2005

Report by the Prisons and Probation Ombudsman for England and Wales

October 2005

Contents

Part One:

1. **Introduction**
2. **Summary**
3. **Investigation methodology**
4. **The deceased**
5. **HM Prison/ YOI Forest Bank**
6. **Events prior to the man's release from prison on 11 May 2005**
7. **Events on 11 May 2005**
8. **Consideration of issues arising from the investigation**
9. **Recommendations**

Annexes: **A Report of a Clinical Review by Salford Primary Care Trust**

Part Two: **Supporting documents**

This is the report of an investigation into the circumstances surrounding the death of a former male prisoner in Bolton, Lancashire. He was found dead in a block of flats at about 10:30pm on 11 May 2005. Earlier that day, he had been released from Forest Bank prison near Manchester on completion of a six month sentence.

A post mortem examination carried out on 13 May 2005 concluded that the man died from a heroin overdose.

My terms of reference for the investigation of fatal incidents allow me to use my discretion in determining whether to investigate the death of a prisoner that occurs after his release from prison. As the man died within approximately 15 hours of release I considered that it was appropriate for his death to be investigated by my office.

The investigation was conducted on my behalf by my colleague.

I also commissioned an independent clinical review of the management of the man's heath needs while he was in custody at Forest Bank. This was conducted by a representative of the Salford Primary Care Trust.

I am grateful to the PCT for their work. I would also like to thank the Director and staff of Forest Bank for their help and co-operation during the investigation.

This published version of the report does not include any of the original annexes, which were extensive.

Emma Bradley **October 2005**
Deputy Prisons and Probation Ombudsman

2. Summary

The man was born on 1 January 1974, in Bolton. He came from a stable family background but became involved in criminal activity from the age of ten. He left his family home at the age of 17, when he began to lead an unstable existence that revolved around the use of illicit drugs. He became a heroin addict and repeatedly committed acquisitive crimes to pay for the drugs he used. He had been sent to prison on several occasions.

On 11 February 2005, the man was sentenced to six months imprisonment at Bolton Magistrates' Court. He spent the whole of this period of custody at HMP Forest Bank, an establishment run by the private sector. During his sentence, he remained drug free but refused help in relation to his previous drugs misuse, including interventions that were offered by the CARATS team (Counselling, Assessment, Referral, Advice and Throughcare).

The man was released from Forest Bank on the morning of 11 May 2005. At 10:30 pm that day, he was found dead in a block of flats in Bolton. He died of a heroin overdose. He was 31 years old.

The investigation found that the man was offered appropriate help and support in relation to drugs misuse and resettlement planning while in Forest Bank.

I make one recommendation.

3. Investigation methodology

The investigation was opened on 16 May 2005, when my investigator met with the Head of Operations and the Director at Forest Bank and toured the establishment with a senior manager. The following day, my investigator met with the Head of Operations, a member of the establishment's Independent Monitoring Board (IMB) and, separately, a representative of the Prison Service Union, to brief them on the nature and scope of the investigation. Notices were issued to staff and to prisoners announcing the investigation and inviting anyone with information relating directly to the man's death or to the manner in which he had been treated whilst in custody at Forest Bank to make themselves known to my investigator.

An independent clinical review of the management of the man's health needs whilst at Forest Bank was undertaken by a representative of the Salford Primary Care Trust.

Informal discussions were held with nine members of staff at Forest Bank.

4. The deceased

The man was born on 1 January 1974 in Bolton. He had a stable family background, disrupted only by his very early involvement in criminal activity from the age of ten years. His subsequent formal convictions from the age of 14 impacted on his progress at school and impeded his employment prospects. He left the family home at the age of 17 and began to lead an unstable existence that revolved around repeated periods of custody and moving between various dwellings occupied by drug users. He was addicted to various drugs, including heroin. The man's drug addiction appeared to be the source of his criminal career: he committed numerous acquisitive crimes in order to finance his addiction. He became isolated from his family and seemed to have no direction in his life. On each occasion he was released from prison he was homeless, and returned to live with other drug addicts.

The man's most recent sentence of six months imprisonment was given by Bolton Magistrates on 11 February 2005. He spent the whole of this period of custody at Forest Bank prison. Staff there described him as pleasant and well behaved. He was keen to work during his sentence and was employed for a while in an upholstery workshop.

5. HM Prison Forest Bank

Forest Bank is a local prison in Greater Manchester and is operated by United Kingdom Detention Services (UKDS) in the private sector of the Prison Service. At the time of the investigation it could hold up to 1040 remanded, convicted and sentenced adult male prisoners and young offenders. It serves Magistrates and Crown Courts in the Greater Manchester area.

The establishment comprises six house blocks each with identical two-storey wings radiating from a central hub. Each wing is designed to hold up to 65 normally, or, if overcrowded, 85. Work is provided in a variety of industrial workshops, courses, education classes, catering, and other types of employment such as cleaning, gardening and orderlies, for approximately 800 prisoners.

There is a detoxification facility that provides accommodation for up to 86 prisoners. Of the total accommodation available in the unit, 16 beds are retained for those who require the closest supervision. Healthcare staff work in support of three key workers assigned to the unit.

A CARATs service (Counselling, Assessment, Referral, Advice and Throughcare) is also provided. The CARATs team comprises four Prison Custody Officers (PCOs) who are paid by UKDS and who operate as initial assessors. They are supported by seven key workers who are funded by the North Trafford Substance Misuse Unit. The salaries of the key workers and the team leader are refunded by the Office of Contracted Prisons via the Controller of Forest Bank.

The healthcare centre provides 24-hour medical and nursing cover and inpatient facilities for up to 25 prisoners. Healthcare staff are employees of UKDS.

Forest Bank has been open since January 2000. In June 2002, it underwent its only visit to date by Her Majesty's Chief Inspector of Prisons. The main recommendations of the report of that inspection were that:

- the prison should have a resettlement strategy and action plan
- there should be an increase in purposeful activity for all prisoners
- there should be an overall safer custody strategy, linking reception and induction, detoxification, anti-bullying and health issues in order to deal with all elements of potential vulnerability
- detoxification procedures should be in accordance with the relevant Prison Service Order
- all prisoners held in the healthcare unit should have care plans

Each of these recommendations has subsequently been implemented.

6. Events prior to the man 's release from prison on 11 May 2005

On 11 February 2005, The man was sentenced to six months imprisonment for theft.

Upon his arrival at Forest Bank that day, the man underwent a reception health screen. He told staff that he used £20 of heroin on a daily basis, that he was not taking any prescribed medication for any reason and that he was not concerned about any aspect of his mental or physical health. He did not wish to see a doctor. He had been in prison at Forest Bank before and seemed to be able to cope with another sentence. He was allocated to the establishment's induction wing where he was to stay for four days. He declined intervention from the CARATs team (Counselling, Assessment, Referral and Throughcare Service).

On 14 February, the man was moved from the induction wing to C2 wing. This is a unit designated as a drug-free environment holding prisoners who volunteer to be regularly tested for drugs. The man remained in this unit until his release. In March 2005, the man took two voluntary drug tests, the results of which were negative. He did not undertake any offending behaviour courses. He did not receive any visits. At no stage did the man come to the attention of the medical or nursing staff.

On 18 February, the man underwent a custody needs assessment interview in the education department. During the interview, he repeated that he was a heroin user and stated that he had in the past requested help regarding his drug misuse. However, when asked whether he would like to attend a drug awareness course, the man replied that he did not. He also stated that he did not need support in custody or on release to stop offending or in general terms. He said that there were no medical issues that were likely to affect his release plans, and that he did not need help with any health issues before release. He did not want to attend a healthy living course. He said that he had no financial pressures. He said that he had no contact with family members and no home to go to on release. Although he did not want any help to find employment, the man did ask for help to find somewhere to live.

On 25 February the man began work in the upholstery workshop where he remained in full time employment for most of the remainder of his sentence.

My investigator was told that all prisoners at Forest Bank are given a resettlement course eight weeks in advance of their release date. The course comprises two elements: induction and pre - release. The man attended the induction phase of this course, but refused to attend the pre - release phase. During the induction phase, the man asked for help in relation to his housing needs. It was later decided, with his consent, that, upon his release from prison, he should return to his former address. My investigator was also told that, had the man attended the pre - release phase of the course, he would have had an

opportunity to benefit from drug misuse counselling. The course comprises a number of modules including a harm reduction and overdose prevention module that examines:

- high risk situations
- safe methods of using drugs
- effects on tolerance of reduced use/abstinence
- basic cardiopulmonary resuscitation techniques should prisoners encounter someone who has overdosed
- prevention of accidental over dosage

Prisoners are also offered a booklet entitled “Overdose-protect and survive”.

On 10 May, the man was assessed by a nurse as being medically fit for release from prison.

7. Events on 11 May 2005

At 8:30am on 11 May, the man was released. He was reminded that his sentence expiry date would fall on 9 August 2005, and that until that date he was liable to be returned to custody if convicted of any further imprisonable offence.

His discharge certificate shows that the man took with him £137. 55, made up of a discharge grant and a subsistence allowance. His discharge address was recorded as that at which he had been living prior to his imprisonment.

Nothing further is known about the man's movements until he was found at approximately 10:30pm that day, slumped in the hallway of a flat in Bolton, by a person who was an occupant of the flat and an associate of the man's. The address is approximately two miles from the man's discharge address. The person who found him called an ambulance. When they arrived at the scene at approximately 10:55pm, the paramedic crew confirmed that the man was dead. They suspected that he had taken an overdose of drugs. However, they found no drug taking equipment at the scene nor any evidence of needle marks on the man's body. The police officer who attended the scene straightaway confirmed that there were no suspicious circumstances. The police informed the Coroner and the man's listed next of kin, his aunty. The aunty later informed the man's mother. The man's body was removed from the scene to the local mortuary later that night.

A post mortem examination indicated that the man died from a heroin overdose.

8. Consideration of issues arising from the investigation

The following issues arose during the investigation:

Support for abstaining from drug misuse while in custody

- Given that the man died from a heroin overdose on the day he was released from prison, was enough done while he was at Forest Bank to support him in abstaining from drug misuse during his time in custody?

Upon his arrival at Forest Bank, the man underwent a reception health screen during which he admitted that he had been using heroin to the value of £20 per day. He did not wish to see a doctor about his drugs misuse. He refused a Hepatitis B vaccination, a drug awareness course and the CARATs service.

In her clinical review of the management of the man's health needs, the representative of Salford PCT comments that the reception screening offered to him was sufficient and properly handled. I agree.

The man volunteered for the drug free programme. He apparently remained free of drugs until he was released from prison.

Resettlement planning

- Were the man's resettlement needs identified and was he given adequate help and support in preparing for release?

The induction phase of the resettlement course that the man attended eight weeks prior to his release date included an assessment of his housing needs. The man asked for support in this respect. It was later decided, with his consent, that he should return to his former address. The man refused all other support. He refused to attend the pre - release phase of the course that offered him an opportunity to benefit from drug misuse counselling. By this time, the man had apparently remained drug free for the whole of the time he had been in prison and had consistently expressed no interest in any support with regard to drugs misuse in custody or after release.

I consider that, in the circumstances, the man's resettlement planning was carried out satisfactorily.

9. Recommendation

Medical records

The Director of Forest Bank should ensure that whenever prisoners decline or refuse to see a doctor, an accurate record is made in the prison medical file.

Annex A

Salford NHS
Primary Care Trust

Report of the Clinical Review of the management of the health needs of a man while he was a prisoner at HMP/YOI Forest Bank

Salford Primary Care Trust

Introduction

The aim of this investigation is to provide an independent review of the medical and nursing care of a man whilst in custody at HMP Forest Bank, in particular with reference to his drug addiction.

Methodology

In order to examine relevant health issues and assess clinical case, Salford Primary Care Trust serious untoward incident policy was followed. On 1st June 2005, the Associate Medical Director and Head of Operations carried out informal interviews with key medical staff at the prison, including, the nurses, drug team and doctor, and reviewed the Inpatient Medical Records available. Based on this evidence this report has been written.

Background

The man had previously been a prisoner at Forest Bank and was re-admitted to Forest Bank on the 11th February 2005. He joined the drug free programme, was released 3-months later on the 11th May 2005, and died 14 hours after release.

Medical History

Upon arrival at the prison he undertook reception screening and was found to have no physical or mental health problems. He admitted to a £20 daily drug habit, one month before admission, and he was offered Hep B vaccination but refused.

The man signed up for the drug free programme with CARAT and 2 urine samples were tested on the 8th and 13th March 2005. However no drug screening was carried out upon admittance as he had refused to see the doctor on the 12th February 2005 and for the remainder of his stay.

Key Findings

The reception screening offered to the man was sufficient and properly handled. The support offered by staff for his substance misuse during his stay was appropriate, and the patient benefited from the drug free programme. However, he refused to see the doctor throughout his stay. There were no suicide or self-harm indicators present and the man was not prescribed methadone whilst in prison. On his release he was not classified as a drug user and therefore according to prison policy and procedure no letters were issued to the GP.

Both the reception medical and the release medical procedures were completed with the man but documentation was missing and recording keeping was minimal.

As the man had lowered his tolerances to heroin whilst in Forest Bank, it was felt by staff that using the same amount of heroin or pure heroin after his release might have led to an overdose and death. The toxicology report has not yet been received.

Recommendations & Good Practice

As the CARAT programme is beneficial to prisoners and the contract was terminated, it is recommended that an alternative programme be established.

(Prisons and Probation Ombudsman's comment:- After the investigation was completed, my investigator was told that the CARATs programme continues to be delivered at Forest Bank, but by a different provider.)

Documentation and record keeping could be improved with written entries when prisoners refuse to see medical staff and compilation of all previous health records belonging to prisoners.

Summary

As a result of this clinical review Salford Primary Care Trust find that the medical and nursing care of the man whilst in custody at Forest bank was adequate and appropriate.